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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,370	07/06/2001	Noboru Takada	33781	6021
116	7590	06/18/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			HARRIS, TIA M	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 06/18/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/900,370

**Applicant(s)**

TAKADA ET AL.

**Examiner**

Tia M Harris

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-17 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 18 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The applicant's amendment to the specification has overcome the objection to the specification.

Therefore, the objection is withdrawn.

### *Response to Arguments*

1. Applicant's arguments, see pages 10-13, filed 3/18/04, with respect to the rejection(s) of claim(s) 1-8 under 35 USC 102(e) (claims 1-5 and 8) and 35 USC 103 (claims 6-7) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cambier (US 6532298) as discussed below.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Cambier.

**(Claim 1)** Cambier discloses an iris camera module comprising an image pickup optical system for picking up an image of the iris (column 3, lines 59-63) and a target optical system for displaying a target for the eye (column 4, lines 52-62), wherein the target optical system and the image pickup optical system are integrated into a single unit (100; see figures 2A and 2B).

**(Claim 2)** Cambier further discloses the image pickup optical system includes an infrared illuminating section (130) for irradiating an infrared ray onto the eye (column 4, lines 23-

Art Unit: 2615

27), an image pickup section for picking up the image of the iris by detecting the infrared ray reflected on the eye (column 4, lines 14-22; column 5, lines 27-34, 40-65), and an image pickup optical section for guiding the infrared ray reflected on the eye to the image pickup section (column 3, lines 59-63; column 5, lines 54-57), wherein the target optical system includes a target screen (115) where the target is displayed and a target optical section for guiding the image of the target on the target screen to the eye (column 4, lines 52-62).

**(Claim 3)** Cambier further discloses the image pickup optical section and the target optical section include a common half mirror (120) for reflecting to guide the infrared ray reflected on the eye to the image pickup section and guiding the image of the target on the target screen to the eye without reflecting the image (column 5, lines 46-65; see figure 2B).

**(Claim 4)** Cambier further discloses the image pickup optical section and the target optical section include a common half mirror (120) for guiding the infrared ray reflected on the eye to the image pickup section without reflecting the infrared ray and reflecting to guide the image of the target on the target screen to the eye (column 4, lines 14-22; see figure 2A).

**(Claim 5)** Cambier further discloses the target optical system includes a screen illuminating section for illuminating the target screen (column 5, lines 62-65).

**(Claim 6)** Cambier further discloses the image pickup section includes an image pickup element (105) for picking up the image of the iris, a storage (530) for storing a reference iris information (column 12, lines 56-60), and processor (510) that serves as a comparator section for comparing an information based on the image of the iris picked up by the image pickup section with the iris information to output the comparison result as to whether matching is obtained (see figure 8; column 6, lines 19-23; column 12, line 50 – column 13, lines 7, 45-67; column 14, lines 1-26).

**(Claim 8)** Cambier further discloses the image pickup section includes an image pickup element (105) for picking up the image of the iris, and a connector section for coupling an external circuit (200) detachable from the image pickup section (column 6, lines 24-28), wherein the external circuit includes a storage for storing a reference iris information and a comparator section for comparing an information based on the iris picked up by the image pickup section with the reference iris information to output the comparison result as to whether matching is obtained (column 6, lines 19-54; see figure 4).

**(Claim 18)** See the rejection of claims 1 and 6 above. Furthermore, Cambier inherently teaches that the reference iris information cannot be overwritten because if the information is overwritten, the information would be lost, and an authorized user would not be recognized.

***Allowable Subject Matter***

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: the Examiner found no prior art cited in its entirety, nor based on the prior art found any motivation to combine references to teach, in combination with the other limitations of the base claims (6, 2 and 1), the reference iris information can be overwritten only a predetermined number of times in the storage.
6. Claims 9-16 are allowed.
7. The following is an examiner's statement of reasons for allowance: the Examiner found no prior art cited in its entirety, nor based on the prior art found any motivation to combine references to teach, in combination with the other limitations of the claim, the target optical system and the image pickup optical system are integrated onto a common substrate.

Art Unit: 2615

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Claims 17 and 19-21 are allowed.

9. The following is an examiner's statement of reasons for allowance: the Examiner found no prior art cited in its entirety, nor based on the prior art found any motivation to combine references to teach, in combination with the other limitations of the base claims (17 and 19), the reference iris information can be overwritten only a predetermined number of times in the storage.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flom et al (4641349) disclose an iris recognition system. Oda et al (US 6591001 B1) discloses an image-input device that includes a camera for capturing iris pattern and computer software for registering and comparing the iris data. Wildes et al (5751836) disclose an automated, non-invasive iris recognition system and method.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia M Harris whose telephone number is 703-305-4807. The examiner can normally be reached on M-F 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6/14/04



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